

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DONNA MARIE VOGT,

Plaintiff,
v.

Case No. 21-cv-1347-bhl

DONALD VOGT, et al.,

Defendants.

ORDER DISMISSING THE CASE SUA SPONTE

On November 22, 2021, *pro se* Plaintiff Donna Marie Vogt filed this action against 33 named Defendants, alleging a wide-ranging conspiracy of allegedly improper conduct—from civil RICO to attempted murder—in support of her claimed right to some unspecified piece of real estate and associated tax benefits. (ECF No. 1.) The matter was initially assigned to Magistrate Judge Stephen C. Dries, subject to the parties’ consent. (ECF No. 2.) After screening the complaint, Judge Dries issued a report recommending it be dismissed as frivolous. (ECF No. 3.) Because the complaint “lacks an arguable basis either in law or fact,” the Court agrees that the complaint is frivolous and must be dismissed *sua sponte* pursuant to 28 U.S.C. §1915(e).¹ *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Accordingly, the Court will adopt Judge Dries’ recommendation.

Under 28 U.S.C. §1915(e):

- (2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss [a] case at any time if the court determines that . . .
(B) the action or appeal—
(i) is frivolous or malicious.

“A frivolous complaint is one in which ‘the petitioner can make no rational argument in law or facts to support his or her claim for relief.’” *Williams v. Faulkner*, 837 F.2d 304, 306 (7th Cir. 1988) (quoting *Jones v. Morris*, 777 F.2d 1277, 1279-80 (7th Cir. 1985)). Rational arguments in support of a claim for relief are impossible where “the plaintiff’s allegations are so ‘fanciful,’

¹ On January 3, 2022, Mrs. Vogt filed an amended complaint. (ECF No. 6.) Unfortunately, that complaint suffers from the same defects. It is 91 pages long and equally frivolous.

‘fantastic,’ and ‘delusional’ as to be ‘wholly incredible.’” *Bussie v. Attorney General*, 2013 WL 3934179, at *2 (W.D. Wis. July 30, 2013) (quoting *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992)). While *pro se* pleadings are held to less stringent standards than those drafted by lawyers, *Haines v. Kerner*, 404 U.S. 519, 520 (1972), not even excessively liberal construction rescues frivolous *pro se* complaints. See *Denton*, 504 U.S. at 33.

To the extent that they are intelligible, Plaintiff’s allegations are wholly incredible and clearly baseless. Her 97-page complaint asserts that multiple international banks, family members, and law enforcement officers conspired to illegally deprive her of her home, business, and various “tax assets”, “usually through the bankruptcy court.” (ECF No. 1 at 3). Additionally, she claims that financial services giant Raymond James “literally pa[id] off everyone to harm [Plaintiff] no matter what their position.” (*Id.*) The sheer size of the conspiracy she imagines is delusional. No amount of liberal construction could render this collection of sentence fragments anything more than frivolous. Accordingly, the Court will exercise its discretion and dismiss this case *sua sponte* pursuant to 28 U.S.C. §1915(e)(2)(B)(i).

For the foregoing reasons,

IT IS HEREBY ORDERED that the Court adopts the Report and Recommendation of Magistrate Judge Dries (ECF No. 3), finding that Plaintiff’s case is frivolous under 28 U.S.C. §1915(e)(2)(B)(i). Accordingly, the case is **DISMISSED**. The Clerk of Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin on January 4, 2022.

s/ Brett H. Ludwig
BRETT H. LUDWIG
United States District Judge